

### REMARKS

Applicants have cancelled original claims 1-44 and replaced them with a new set of claims 45-66. Reexamination and reconsideration are respectfully requested.

Initially, in the Office Action, Claims 1-19 and 21-44 were rejected as being indefinite. Accordingly, Applicant has cancelled this set of claims and replaced them with a new set of definite claims 44-66. Regarding the new set of claims, Applicants new independent claims 45 corresponds to original independent claim 1 with further amendments describing the unique features of the circumferential threads.

In the Office Action, Claim 1 was rejected as being anticipated by U.S. 5,712,007 issued to Mercuri (the inventor of the present invention as well). Based on new independent claim 45, Applicant submits Claim 45, as well as dependent claims 46-66, are patentable over Mercuri.

Applicants Claim 45 specifies a tubular casing for use with food products. Circumferential threads extend around the periphery of the tubular casing and are spaced at intervals along the tubular casing. The circumferential threads comprise an elastic thread in combination with a yarn wrapped around and along a length of the elastic thread. A limited number of turns of the yarn are provided around the elastic thread for a given length of the circumferential threads so that the circumferential threads become taut after a predetermined amount of stretch due to the yarn being straightened to a extent where it resists tensile force whereupon the circumferential threads become inextensible.

By contrast, Mercuri's earlier U.S. Patent merely describes the use of an elastic circumferential thread 16 which may be a combination of inextensible threads with elasticated threads. However, nowhere does Mercuri's prior patent discuss or even suggest a circumferential thread having a yarn wrapped around and along a length of an elastic thread with a limited number of turns for a given length to achieve the desired inextensible effect upon being stretch as now recited in Applicants claim. Accordingly, Applicant submits Claim 45 is patentable over Mercuri.

In view of the above, Applicant submits Claim 45, as well as its dependent claims are patentable over Mercuri's U.S. Patent 5,712,007, whether taken along or in combination with the other art of record. In that regard, Applicants point out that AU 86641/91 (having U.S. counterpart 5,303,550), in an unrelated field of art, discloses an apparatus and method for forming elastic corespun yarn. Such yarn, however, as is clearly shown in Figure 3 thereof, does not teach or suggest the use of only a limited number of turns of a yarn around an elastic thread for a given length of the circumferential threads that extend around the periphery of a tubular casing so that the circumferential threads become taut after a predetermined amount of stretch. Rather, AU 86641/91 merely discloses the use of a covering yarn to completely wrap a core yarn. No suggestion or even hint is provided to limit the number of turns to provide Applicants claimed relationship between the resulting circumferential threads and the amount of stretch due to the yarn being straightened. Accordingly, in addition to there being no suggestion to motivate one skilled in the tubular casing art to make use

of a corespun yarn of the type disclosed in AU 86641/91, even such a combination would not result in meeting the limitations of Applicants claimed invention.

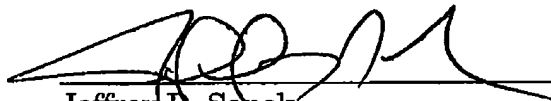
For the foregoing reasons, Applicant submits Claims 45-66 are now in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #2217/50147).

Respectfully submitted,

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